

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

LAPETTRA DEMOND WATKINS,

Plaintiff,

v.

DEREK EDGE, WARDEN;

Defendant.

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CIVIL ACTION NO. 5:18-CV-00011-RWS

ORDER

Petitioner Lapettra Demond Watkins, an inmate proceeding *pro se*, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to 28 U.S.C. § 636, the Court referred this matter to the Honorable Caroline M. Craven, United States Magistrate Judge, for consideration. The respondent filed a motion to dismiss (Docket No. 12). The Magistrate Judge recommended the motion to dismiss be granted and that the above-styled petition be denied. (Docket No. 13).

Petitioner's last known address was at the FCI Texarkana Facility. The Court sent a copy of the Report and Recommendation to Petitioner at that address. Though the envelope has not been returned as undeliverable, a BOP inmate locator search for Mr. Watkins indicates that he now resides at Nashville RRM.

On January 17, 2018 the Magistrate Judge entered an order stating: "Petitioner shall notify the Court of any change of address by filing a written notice of change of address with the Clerk. Failure to file such notice may result in this case being dismissed for want of prosecution." Docket

No. 3. Petitioner acknowledged receiving a copy of that order, but did not so notify the Court of his change of address. Docket No. 4.

Because no objections to the report have been received, Petitioner is not entitled to *de novo* review by the District Judge of the Magistrate Judge's findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).


Nonetheless, the Court has reviewed the pleadings in this cause and the report of the Magistrate Judge and agrees with the report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is accordingly

ORDERED that the Magistrate Judge’s report (Docket No. 13) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE**. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED-AS-MOOT**.

So ORDERED and SIGNED this 27th day of February, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE